IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE

JUDI DAVIS,)
Plaintiff, v.) No. 3:10-CV-124) JUDGE WISEMAN) MAGISTRATE JUDGE KNOWLES)
CIGNA CORPORATION and LIFE)
INSURANCE COMPANY OF NORTH)
AMERICA,)
Defendants.)

INITIAL CASE MANAGEMENT ORDER

Pursuant to Local Rule 11(d), the parties hereby submit this initial case management order.

A. **JURISDICTION.** This court has jurisdiction of this case pursuant to 29 U.S.C. 1132. Jurisdiction is not disputed.

B. Brief Theories of the Parties

- 1) Plaintiff: Plaintiff has severe impairments which preclude her from engaging in substantial gainful activity. She was paid benefits from 04/03/2002 to 04/17/2008 and her condition has not improved. Defendant arbitrarily and capriciously terminated benefits.
- 2) **DEFENDANTS:** Defendants assert that Plaintiff's claims are barred because any purported or actual actions taken regarding her were based according to the clear language of the governing ERISA plan documents, and that the claim administrator did not act arbitrarily or capriciously in denying any claim for benefits.

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- C. ISSUES RESOLVED. Jurisdiction and venue.
- D. Issues Still in Dispute: Whether this is an ERISA case?
 - (1) Whether CIGNA Corporation is a proper party to this lawsuit.
- (2) Whether Plaintiff is entitled to long term disability benefits, prejudgment interest, attorneys fees and costs, and if so, the amount thereof.
- E. INITIAL DISCLOSURES: Judicial review of this ERISA claim for employee welfare plan benefits is based on the record before the plan administrator. No initial disclosures pursuant to Fed. R. Civ. P. 26(a) are necessary.
- F. **ADMINISTRATIVE RECORD**: Defendants shall file the administrative record with the Court and serve copies to all counsel by June 18, 2010.
- G. MOTIONS TO AMEND: The parties shall file all Motions to Amend pleadings on or before September 19, 2010.
- H. **DISCOVERY CUT OFF DEADLINE**: All parties shall have discovery completed by December 19, 2010.
- I. DISCOVERY RELATED MOTIONS: Deadline for filing discovery related motion is December 24, 2010. Should there by any disputes the parties may telephone Judge Knowles for a ruling or file a written motion.
- J. DISPOSITIVE MOTIONS: Deadline for filing dispositive motions is January 19, 2011.

K. Trial of this matter is set for June 7, 2011, with a final pretrial hearing set for May 27, 2011, at 10:00 A.M. before Judge Willeman.

It is so **ORDERED**.

JUDGE E. LIFTON KNOWLES